

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

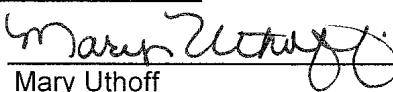
| | | |
|--|---|---------------------------|
| In re application of: |) | Examiner: KANG, Paul H |
| CURLEY, Robert |) | |
| Serial No.: 09740804 |) | Art Unit: 2141 |
| Filed: 12/21/2000 |) | |
| For: <i>Method and Apparatus for</i> |) | Confirmation No.: 6420 |
| <i>Providing Measurement, and</i> |) | |
| <i>Utilization of, Network Latency</i> |) | Attorney Docket No.: O226 |
| <i>In Transaction-Based Protocols</i> |) | |

**PETITION TO DIRECTOR UNDER 37 CFR §1.181 and
PROCESSING OF THE AMENDMENT FILED ON AUGUST 14, 2004**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Electronic Transmission

I hereby certify that this 2-page Petition to Director Under 37 CFR §1.181 and Request for Processing of the Amendment Filed on August 14, 2004 is being transmitted to the United States Patent and Trademark Office (USPTO) via the USPTO's Electronic Filing System (EFS-Web) on this 30th day of March 2010.

By: 
Mary Uthoff

Dear Sir:

Applicant petitions the Director to review the Granted Petition of May 31, 2005 that withdrew the Holding of Abandonment and instructed the examiner to consider the previously filed response filed August 18, 2004. It has been nearly **Five (5) Years** since the petition has been granted and no office action has been issued.

Remarks

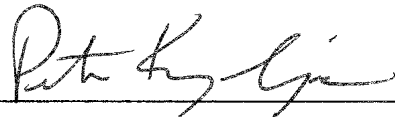
This Petition is in response to the Decision on Petition to Withdraw Holding of Abandonment Under 37 CFR §1.181 or 37 CFR §1.8(b) dated **May 31, 2005**. The application file was to be forwarded to the technical support staff to WITHDRAW the holding of abandonment and to process the response filed on August 18, 2004. This petition is being submitted not later than appeal. Thus, the petition should be considered under 37 CFR §1.181.

It has been nearly Five (5) Years since the petition has been granted and no office action has been issued. Applicant respectfully requests the holding of abandonment to be withdrawn and an office action to be issued.

Conclusion

For the reasons set forth above, the Notice of Abandonment was vacated and the Petition under 1.8(b) was dismissed as Moot. Applicant respectfully requests that the Director process the amendment filed on August 18, 2004.

Respectfully submitted,



Peter Kraguljac (Reg. No. 38,520)
(216) 503-5500
(216)503-5401 (Fax)

Kraguljac & Kalnay, LLC
4700 Rockside Road
Summit One, Suite 510
Independence, OH 44131